

February 7, 1975

SENATOR DeCAMP: Mr. President, members of the Legislature, I strongly support the bill and I only have one reservation. That is whether the penalty is strong enough and I'll tell you why. Up in my area we have center pivot systems just one after another, mile upon mile. A lot of the county roads are actually impassable because of these systems. It has been less costly to pay a \$10 fine once or twice a year than to put on to the systems the necessary equipment to make them stop spraying the road when the system reaches that section. Now I noticed the fine goes up to \$100 maximum, but as a practical matter it's never applied. They always get the \$10 minimum. I guess what I'm asking, is there any way that this is going to correct the problem up there do you feel, because it hasn't worked in the past.

PRESIDENT: Senator DeCamp the county attorney could rule that they are continuing offenses.

SENATOR DeCAMP: I understand that, but I'm telling you what has happened. The county attorney up there turned it over to the county board. The county board does not want to offend the irrigator. You have a conflict between the irrigators and the people that drive on the road. It hasn't gotten resolved there in three or four years. I'd like to see this bill used as a vehicle maybe, to get it resolved. As I understand it they can put equipment on center pivots that actually stops it from doing this, but it's rather expensive equipment. Does Senator Thone have any observations on this?

SENATOR JOHNSON: Senator DeCamp, I agree that the penalty is not severe enough because in extreme dry weather an operator would hesitate to shut down his outfit just to correct the sprinkler. However, I believe if we pass this bill we can give it a try. If there are too many violations or it isn't working we can correct it another year.

SENATOR DeCAMP: OK.

PRESIDENT: Senator Keyes.

SENATOR KEYES: Yes. Senator Thone Johnson, I would like to ask you a question about some things in Sarpe County. For the sake of being fair to my good friend Senator Dickinson, I will not get into the Papio Watershed, but will go into the Springfield Flood Plain Area. Along the farm we own we use the road on one side as a dike along the side of the ditch. We have dug the ditch out and put up on the dirt, on the other side. When the water comes down there, and this is natural water from rains, comes down and floods it over. This permission has been granted. It goes over the road and floods the land that belongs to . . . well I don't know who owns it now, we sold it. When it goes over and floods that land, is this going to permit this man whose put the dike in to protect his land and use the road, is it going to permit him to be sued or not?

SENATOR JOHNSON: I am not real sure. Senator Keyes, I'm not real sure what your problem is.

SENATOR KEYES: I had no problem before this bill came along.